

# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.		
10/764,135	01/23/2004	Yuji Tomiyama	0388-040112 6069		
28289	7590 07/18/2006		EXAMINER		
THE WEBB LAW FIRM, P.C.			AVERY, BRIDGET D		
700 KOPPERS BUILDING 436 SEVENTH AVENUE			ART UNIT	PAPER NUMBER	
PITTSBURGH, PA 15219			3618		
			DATE MAILED: 07/18/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)			
Office Action Summary		10/764,135		TOMIYAMA ET AL.			
		Examiner		Art Unit			
		Bridget Avery		3618			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS CO 36(a). In no event, howe vill apply and will expire s , cause the application to	MMUNICATION EVER, may a reply be time SIX (6) MONTHS from to become ABANDONED	ely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status							
1)⊠	Responsive to communication(s) filed on <u>17 April 2006</u> .						
	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims			•			
5)□ 6)⊠ 7)□	Claim(s) 1-12 is/are pending in the application.  4a) Of the above claim(s) 6-9 is/are withdrawn for Claim(s) is/are allowed.  Claim(s) 1-5 and 10-12 is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or	from consideratio					
Applicat	ion Papers						
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) obj drawing(s) be held ion is required if the	in abeyance. See e drawing(s) is obje	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority u	under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
Attachmen							
	e of References Cited (PTO-892)	4) 🗍	Interview Summary (	(PTO-413)			
2) Notice 3) Information	te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date 7/14/05 & 4/26/04.	5)	Paper No(s)/Mail Da				

Application/Control Number: 10/764,135 Page 2

Art Unit: 3618

### **DETAILED ACTION**

## Election/Restrictions

1. Applicant's election with traverse of Species I (Figures 1-6) in the reply filed on April 17, 2006 is acknowledged. The traversal is on the ground(s) that examination of Species I-IV relating to claims 1-3, 5-7 and 9-12 will not broaden the search obligation. This is not found persuasive because the features defined in the non-elected species (claims 4 and 6-9) are not obvious variations of the features defined in claims 1-3, 5 and 10-12. Examination of claims 6-9 would require additional searching for a vent, a vent having an aperture smaller than that of the mesh member and a rectifier formed integrally with a mesh member.

The requirement is still deemed proper and is therefore made FINAL.

- 2. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 17, 2006.
- 3. An action on the merits of claims 1-5 and 10-12 follows.
- 4. The Information Disclosure Statements filed by applicant on July 14, 2005 and April 26, 2004 are acknowledged and have been considered.

## Claim Objections

Application/Control Number: 10/764,135 Page 3

Art Unit: 3618

5. Claim 4 is objected to because of the following informalities: on line 1, "said" should be deleted. Appropriate correction is required.

# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshikawa et al. (US Patent 6,655,486).

Oshikawa et al. teaches a working vehicle comprising: a vehicle body; a radiator (3) mounted on the vehicle body; a hood provided at a front portion of the vehicle body for covering the radiator (3); the hood including a hood body, a front-face grill portion provided at a front face of the hood body for introducing ambient air to the interior of the hood, and a pair of side-face grill portions (36) provided at right and left side faces of the hood body for introducing ambient air into the interior of the hood; and a rectifier member (40) for controlling the flow of ambient air introduced from a rear portion of the side-face grill portion (36). See column 5, lines 18-30. Re claim 5, the portions of the covers (16A, 16B) surrounding the grill/ports (38) is a flange on which the rectifier/plate (40) is formed.

Art Unit: 3618

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hennessey et al. (US Patent 4,081,050).

Hennessey et al. teaches a working vehicle comprising: a vehicle body; a radiator mounted on the vehicle body; a hood provided at a front portion of the vehicle body for covering the radiator (36); the hood including a hood body, a front-face grill portion provided at a front face of the hood body for introducing ambient air to the interior of the hood, and a pair of side-face grill portions provided at right and left side faces of the hood body for introducing ambient air into the interior of the hood; and a rectifier member (panels 84, 86 of gas tank 40) for controlling the flow of ambient air introduced from a rear portion (note arrow to the left of reference number 76 in Figure 2) of the side-face grill portion (76). The features defined in claim 2 are clearly shown in Figure 2.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486).

Oshikawa et al. teaches the features described above.

Oshikawa et al. lacks the teaching of a mesh member having a progressively increased aperture.

However, the provision of a progressively increased aperture is a change in size that would have been obvious to one having ordinary skill in the art, at the time the invention was made, to regulate the flow of air.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessey et al. ('050).

Hennessey et al. teaches the features described above.

Hennessey et al. lacks the teaching of a mesh member having a progressively increased aperture.

However, the provision of a progressively increased aperture is a change in size that would have been obvious to one having ordinary skill in the art, at the time the invention was made, to regulate the flow of air.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) in view of Knutson (US Patent 3,897,847).

Oshikawa et al. teaches the features described above.

Oshikawa et al. lacks the teaching of a condenser.

Knutson teaches a condenser positioned forwardly of a radiator.

Based on the teachings of Knutson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add an air conditioner and

Art Unit: 3618

a condenser to the vehicle of Oshikawa et al. to provide cooling for the driver during elevated temperatures.

Page 6

1.1. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) in view of Templeton et al. (US Patent 5,634,525).

Oshikawa et al. teaches the features described above.

Oshikawa et al. lacks the teaching of a seal.

Templeton teaches a seal (42, 45), a hinge (21) and a reinforcing frame member/rib (39).

Based on the teachings of Templeton, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a seal and a reinforcing hinge to the vehicle of Oshikawa et al. to prevent hot air from re-circulating from the engine compartment to be passed back through the radiator.

12. Claim 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessey et al. ('050) in view of Templeton (US Patent 5,634,525).

Hennessey et al. teaches the features described above.

Hennessey et al. lacks the teaching of a seal.

Templeton teaches a seal (42, 45), a hinge 21 and a reinforcing frame member/rib (39).

Based on the teachings of Templeton, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a seal and a

Art Unit: 3618

reinforcing hinge to the vehicle of Hennessey et al. to prevent hot air from re-circulating from the engine compartment to be passed back through the radiator.

#### Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yabe shows an engine cooling air passage for construction equipment.

Falk et al. shows an air intake for a motorized vehicle.

Surridge shows an engine enclosure with cooling air baffle.

Holm et al. shows a work vehicle.

Takeuchi et al. shows an airflow regulating apparatus for radiator.

Morrison shows a radiator shell.

14. Any inquiry concerning this communication should be directed to Bridget Avery at

telephone number 571-272-6691.

July 3, 2006

CHRISTOPHER P. ELLIS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600